

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

**SCOTT MCGAHEE, MARK PIERSON,
individually and on behalf of all others
similarly situated,**

Plaintiffs,

V.

**NATIONAL TIRE & BATTERY and TBC
CORPORATION,**

Defendants.

[illegible]

CASE NO. 3:19-cv-02289

JURY TRIAL DEMANDED

STATUS REPORT REGARDING SERVICE OF ORIGINAL COMPLAINT

Plaintiffs SCOTT MCGAHEE and MARK PIERSON (collectively, “Plaintiffs”), on behalf of themselves and all others similarly situated, by and through their attorneys, file this status report pursuant to the Court’s Order of April 2, 2020 (Dkt. 4).

Plaintiffs filed their Original Complaint on September 25, 2019. On September 30, 2019, Defendants' counsel contacted Plaintiffs' counsel and provided arbitration agreements allegedly executed by each of the Plaintiffs. Defendants' counsel informed Plaintiffs' counsel that if Plaintiffs did not dismiss their lawsuit and instead pursue the adjudication of their claims through arbitration, Defendants would compel arbitration and move for fees and costs.

Taking Defendants at their word, Plaintiffs filed Demands for Arbitration with the American Arbitration Association. On March 10, 2020, the American Arbitration Association informed the parties that they had received Plaintiffs' portion of the filing fee, but had not received Defendants' portion of the filing fee per the terms of the arbitration agreement. Defendants' counsel responded that he would process the check request for Defendants' portion of the filing

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fee. On March 18, 2020, the American Arbitration Association informed the parties that Defendants still had not paid their portion of the filing fees and that these fees were due by March 25, 2020.

As of the filing of this Status Report, Plaintiffs have not received notification from Defendants' counsel or the American Arbitration Association as to whether Defendants' portion of the filing fees have been paid. Therefore, Plaintiffs request that the Court retain jurisdiction for sixty (60) days so that the Parties may attempt to resolve this issue. If Defendants refuse to pay their portion of the filing fees and engage in the very arbitral proceeding they themselves demanded, Plaintiffs will promptly serve Defendants and seek to pursue Plaintiffs' remedies through this forum.

Dated: April 3, 2020

Respectfully submitted,

/s/ Jay D. Ellwanger

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ATTORNEYS FOR PLAINTIFFS

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CERTIFICATE OF SERVICE

I hereby certify that on the 3rd day of March 2020, all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system.

/s/ Jay D. Ellwanger
Jay D. Ellwanger

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